

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RACHEL A. PRICE, an individual; and
TESSA V. GEHARDT, an individual,

Plaintiffs,

vs.

EQUILON ENTERPRISES, LLC, d/b/a
SHELL OIL PRODUCTS US, a Delaware
Limited Liability Company,

Defendant.

NO. 2:17-cv-01337-MJP

STIPULATED MOTION AND ORDER
TO CONTINUE TRIAL DATE AND
EXTEND EXISTING PRETRIAL
DEADLINES

NOTE FOR MOTION:
May 15, 2018

I. INTRODUCTION

The Parties, by and through their attorneys of record, hereby submit this Stipulated Motion to Continue Trial Date and to Extend Existing Pretrial Deadlines. The Parties jointly request an Order continuing the current November 19, 2018 trial date until June 3, 2019, or as close a date thereto as the Court's schedule permits. The parties additionally request that all pretrial deadlines be continued commensurate with the new trial date. This is the first request for a continuance in this case.

II. STATEMENT OF FACTS

A. Case Overview

Plaintiffs Rachel Price and Tessa Gehardt work for Defendant Equilon Enterprises, LLC ("Shell") in Shell's Laboratory in Anacortes, Washington. They bring claims of retaliation and

1 discrimination under the Washington Law Against Discrimination, RCW 49.60 (“WLAD”), and
2 allege that they were passed over for promotion in favor of less qualified, heterosexual men, after
3 having complained of a hostile work environment, discrimination on the basis of gender, and
4 discrimination on the basis of sexual orientation. The instant case involves promotions that Ms.
5 Price and Ms. Gehardt applied for in 2014 and 2015. Defendant denies all claims.

6 **B. Basis for Continuance**

7 This case is closely related to an earlier-filed case involving the same parties, entitled
8 *Price et al. v. Equilon Enterprises LLC*, no. 2:11-cv-1553 (“*Price I*”), over which Judge
9 Coughenour is presiding. *Price I* involves similar claims of gender and sexual orientation
10 discrimination under the WLAD, but is based on promotions that Plaintiffs sought and were
11 denied in 2011 and 2012.

12 In June of 2014, Plaintiffs tried their claims in *Price I*. After a defense verdict was
13 entered, Plaintiffs appealed and continued to work in the Lab. During the pendency of the appeal,
14 Plaintiffs allege that they experienced continued discrimination and retaliatory treatment,
15 including being passed up for a promotion for a third and fourth time. In 2017, the 2014 jury
16 verdict in *Price I* was vacated and the case remanded for a new trial.

17 After Judge Coughenour denied Plaintiffs leave to amend their complaint in the first
18 action to add claims related to the more recent promotions, Plaintiffs filed the instant lawsuit
19 (“*Price II*”). After filing this lawsuit, Plaintiffs also requested that Judge Coughenour
20 consolidate the two cases because they involve common issues of law and fact, identical parties,
21 and overlapping witness lists. That request was denied.

22 Although *Price I* was originally scheduled for trial on March 26, 2018, due to criminal
23 trials scheduled for that date Judge Coughenour re-set it for December 3, 2018 (no. 2:11-cv-
24 1553, dkt. 245). This creates a clear conflict with the scheduled trial in this case for November
25 19, 2018. Both parties agree that it makes sense factually and legally to try to the first case first.
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1 **C. Case Schedule and Proposed Modification**

2 By Order dated December 4, 2017 (dkt. 9), the Court set this matter for trial on
3 November 19, 2018, and also established a case schedule of pretrial deadlines based upon that
4 trial date. By Order dated April 23, 2018, the Court granted the parties relief from the expert
5 witness deadline based on the parties' explanation that they would be shortly moving for a
6 continuance of the trial date and accompanying deadlines to accommodate the scheduling
7 conflict with the *Price I* trial.

8 Plaintiff and Defendant now jointly move the Court for a continuance of the trial date
9 until June 3, 2019, or as close a date thereto as the Court's schedule permits, and a similar
10 continuance of the remaining pretrial deadlines as set forth below.

11 **III. LEGAL ARGUMENT**

12 Under Fed.R.Civ.P. 16, the case schedule may be extended where good cause exists and
13 the delay is not caused by the carelessness or less than reasonably diligent action by moving
14 counsel. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604 (9th Cir. 1992). Here, the parties
15 have stipulated to a limited continuance of the trial date and related pre-trial deadlines and good
16 cause exists based on the conflict with *Price I*, which is scheduled for trial on December 3, 2018.
17 A limited continuance until June 3, 2019 will provide the parties with the ability to efficiently
18 prepare for and try both cases.

19 **IV. CONCLUSION**

20 The parties respectfully ask the Court to continue the trial in this matter until June 3,
21 2019, or as soon as the Court is available thereafter.

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1 DATED: May 15, 2018.

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3 WILLIAMS KASTNER

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ORDER

Pursuant to the above stipulation, it is hereby ORDERED that:

1. The Stipulation for a trial continuance is GRANTED.
2. The trial in this matter shall be set for June 3, 2019.
3. The clerk shall issue an order resetting case schedule deadlines commensurate with the new trial date.

DATED this 24th day of May, 2018.



Marsha J. Pechman
United States District Judge